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Learning about Best Practices Among the Top 8 Latin American and European Economies

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#### **Abstract**

The Latin Euromerican G8 Insolvency and Restructuring Program seeks to offer educational content, exchange of experiences and learning about best practices among the top eight Latin American and European countries in terms of GDP, population

and ranking in the World Bank's Doing Business index: **Brazil, Mexico, Colombia, Chile, France, Italy, Spain, and Portugal**.

The course will bring together faculty composed of academics and professionals specializing in insolvency and corporate restructuring who will address central themes such as: Transnational Insolvency (inter-jurisdictional cooperation), DIP Financing, Bankruptcy Administration, Restructuring and Non-Restructuring Credits, Sale of Assets, Creditor Participation, Executory Contracts, Legitimate Economic Agents, Distressed M&A, among others.

In addition, the insolvency system of each G8 country will be analyzed and compared from the perspective of the UNCITRAL Legislative Guide on Insolvency Law and the World Bank Principles for Effective Insolvency.

The course will be taught **entirely online** and will offer a **unique networking opportunity** among students and professors in thematic and cross-disciplinary virtual classrooms. Furthermore, a participants-only WhatsApp group will be created to continue the exchange of knowledge and professional interaction.

Finally, the course aims to focus on the **improvement of insolvency systems and promote good practices among the members of the G8 countries and the countries of origin of the enrolled students**.

The Latin Euroamerican G8 Insolvency and Restructuring Program is sponsored by IBAJUD – Instituto Brasileiro da Insolvência – and IIDC – Instituto Iberoamericano de Derecho Concursal – in cooperation with leading local professional organizations.

## **Certification:**



**IBAJUD** was established in 2012 to promote the continuous improvement of all matters related to bankruptcy and insolvency and is the leading organization of its kind in Brazil. IBAJUD brings together prominent authorities and specialists on the subject, such as Academics, Ministers, Judges, Lawyers, Judicial Administrators, Auctioneers, and Financial Advisors, among others.



The **Ibero-American Institute of Bankruptcy** Law is an academic institution created in Barranquilla (at the time of its first Congress in 2005) with permanent headquarters in the City of Mexico that brings together a community of professionals interested in the development of scientific research of bankruptcy law. Since the first presidency of its founder, Jesús María Sanguino Sánchez and until today, the founding members have been joined by many professors, academics, doctrinaires, and lawyers and accounting science professionals with notable practice in their activity, both in Latin America and Europe, consolidating a field of debate and scientific development, playing a leading role in discussions and in the development of solutions on the various topics of the matter. The IIDC has professionals and academics from various countries (including Argentina, Brazil, Chile, Colombia, Mexico, Peru, Puerto Rico, Uruguay, Venezuela, Spain, Italy and Portugal), and with different national chapters that are part, in the same way of a Federation of our entity.

# **Country Leaders (Latin America)**



André Ferreira da Rosa Rocha is a Managing Partner at EXM Partners, a leading Brazilian insolvency, restructuring, and forensics firm. Mr. Rocha is a co-founder and Vice President of the Brazilian Institute of Asset Recovery (IBRA) as well as International Academic Coordinator at the Brazilian Insolvency Institute (IBAJUD). He is a member of the Distressed M&A and Workouts Committee at Turnaround Management Association (TMA). Mr. Rocha also holds an MBA and a Bachelor's degree in Business Management World Bank consultant for restructuring and insolvency. He is currently attending a Master program in Business Law at Fundação Getulio Vargas (FGV Law) in São Paulo.



Luis Palomino. Litignate Lawyer since 1997. Specialist in Insolvency and Financial Restructuring. Specialist in Civil, Commercial and Corporate Controversies. Trial Attorney since 1997. Insolvency and Debt Restructuring Specialist. Civil, Commercial and Corporate Disputes Specialist. Member / Member: INSOL International, International Insolvency Institute (III), American Bankrupcy Institute (ABI), Ibero-American Institute of Bankruptcy Law (IIDC), Barra Mexicana Colegio de Abogados (BMA), Asociación Nacional de Abogados de Empresa (ANADE), Illustrious and the National Bar Association of Mexico (INCAM). University Professor since 2000 at the Universidad Panamericana. Insolvency Chair. University Professor since 2000, at Universidad Panamericana. Insolvency.



Francisco Reyes Villamizar is a former Superintendent of Companies from Colombia and in 2015 was the Chairman of the United Nations Commission on International Trade Law (UNCITRAL). He has been an active participant and draftsman of several comprehensive legislative reforms to the Colombian laws of Corporations and Bankruptcy, including the successful law on Simplified Stock Corporations enacted in 2008. He prepared the OAS Model Law on Simplified Corporations. He also presided over the governmental commissions for the amendment of the Colombian Bankruptcy Law and the new Law on Secured Transactions.



Juan Luis Goldenberg is a Ph.D. in Law (University of Salamanca, Spain) and Law Degree (Pontificia Universidad Católica de Chile). Associate professor of Civil and Commercial Law at Pontificia Universidad Católica de Chile. Insolvency arbitrator. Executive vice president of the Iberoamerican Institute of Insolvency law and president of its Chilean chapter. Expert member on insolvency law by the Iberoamerican Institute of law and finance. Of counsel of the law firm Baraona y Compañía. Author of several books related to insolvency and corporate law published in Chile and Spain, and articles related to insolvency, consumer and civil law published in Chile, Spain, Italy, Colombia, Uruguay, among others.



Nathalie Leboucher is a Judicial administrator – registered on the French National List since 2014. University Diploma in Business Law in Difficulty (University Paris I – Panthéon Sorbonne). EM Lyon Business School. Mrs. Leboucher has several years of experience in bankruptcy proceedings (safeguard, receivership) and amicable procedures, for the benefit of VSEs, large SMEs and SMIs. Mrs. Leboucher has held executive positions in the Franch and British industry which has enabled her to develop a keen sense of dialogue and negotiation. Nathalie is endowed with great pragmatism and an important listening capacity to assist managers to go through a company crisis.



**Stefania Pacchi** is Adjunct Professor of Bankruptcy Law at the University of Siena, where she held the position of Full Professor of Commercial Law until November 2019. She was Director of the Department of Law for two terms and previously of the Department of Private Law Sciences. She is a lawyer registered with the Florence Bar Association. In 2006 he founded and directed the Advanced Training Course in Corporate Crisis Law until 2019. Lecturer of the Master in Business Crisis Law at the La Sapienza University of Rome. He is the Founder and President of the Association for Insolvency Studies of Tuscany (A.S.Co. T.). He is President of the International Debt Observatory Association (www.aoid.eu)



Jose Pajares has a Law Degree from the University of Zaragoza in 1982. Member of the Zaragoza Bar Association since 1982 and Madrid Bar Association since 1999. Mediator Degree from Rey Juan Carlos University of Madrid in 2014. Managing Partner of the law firm PAJARES & ASOCIADOS, ABOGADOS DESDE 1958, S.L. Arbitrator and Mediator of the Civil and Commercial Arbitration Court, the Arbitration Court of the Official Chamber of Commerce, Industry and Services of Madrid and the Aragonese Court of Arbitration and Mediation. Executive Vice President of the Iberian – American Institute of Barkruptcy Law (IIDC) from 2017 to 2019. Member of the IIDC. President of the Spanish Chamber of the International Lawyers Union (UIA) from 2015 to 2020. Representative of the UIA and the IIDC in the V Working Group (Insolvency Law) of the United Nations Commission for International

Trade Law (UNCITRAL). President of the UIA Insolvency Commission from 2008 to 2012 and Advisor of the President from 2013 to 2015.



**Teresa Pitôrra** is a Senior Adviser at the Restructuring & Insolvency practice where has been actively involved in several high-profile Restructuring & Insolvency cases in a wide range of sectors, with a special focus on banking, funds and financial services, industry, services and telecommunications, in Portugal, Angola, Cabo Verde and Brazil. Teresa has been representing and advising national and international clients within insolvency proceedings and judicial or non-judicial restructurings, either as creditors or debtor. Teresa also has significant experience in dealing with civil and commercial disputes, both at pre-litigation and litigation stages, and frequently takes part in advising clients in securitization transactions and other types of asset-backed transactions. Teresa participates regularly as lecturer in several national and international conferences and seminars in the field of R&I.

# **Program Format**

#### 48 hours program:

6 hours per country;

#### 8 weeks:

• 1 week per country.

#### Each week:

- 2 days of 3 hours each;
- Tuesdays and Wednesdays.

#### Day 1

The insolvency system of each country analyzed from the

perspective of:

The UNCITRAL Legislative Guide on Insolvency Law and;

The World Bank Principles for Effective Insolvency.

Present and discuss a cross- border insolvency study case of each country:

- •
- Effectiveness of UNCITRAL Insolvency Law application;
- Collaboration among jurisdictions;
- o Enforcement
- Asset Sales;
- o DIP Financing
- Negotiation with foreign creditors;
- o Creditors and meeting and recovery plan approval;
- o Among others.

#### **Day 17**

**G8 Country Leaders get discuss:** 

together in round table

conversation to

- Best practices of each system;
- o Bottlenecks of each system;
- How each system can contribute to improve one another;
- Write a white paper signed by the G8 leaders.

# DAY 1

The insolvency system of each country analyzed from the perspective of:

# DAY 2

Cross-border Insolvency Cases to be presented and discussed

**UNCITRAL Model Law** 



European Union Cross-Border Insolvency Proceedings



# **DAY 17**

#### **G8 Country Leaders round table discussion**

- The UNCITRAL Legislative Guide on Insolvency Law and the World Bank
   Principles for Effective Insolvency and issues considerations of each country;
- Recommend improvements for each country's system based on the best practices discussed during the program;

- Report each cross-border insolvency case pointing out and commenting the successes and failures;
- Recommend best practices on dealing with transnational insolvencies.

#### **G8 Latin Euromerican:**

**Comparing Insolvency Regulation and Best Practices between the 8 main Latin Economies** 

- Extract pros and cons of each country's system and practices and find out how the experience of one country can contribute to another;
- Recommend improvements in the insolvency legal frameworks and best practices;
- The G8 Report will be signed by the 8 country leaders.

### **Schedule**

# **CALENDAR 2021 - SECOND HALF**

#### Program's Time Table considering the G8 Countries' timezones

The times are applicable for both the days that the countries are speakers and those in which they are audience



**Invited Countries** 



#### **Official Support:**







Comissão de Falência e Recuperação Judicial

Comissão Especial de Recuperação de Empresas e Falências



Comissão de Estudos da Lei de Falência e Recuperação de Empresa

Comissão Especial de Recuperação Judicial, Extrajudicial e Falência (Crjef)



Mexico





Colombia



#### Chile



#### France

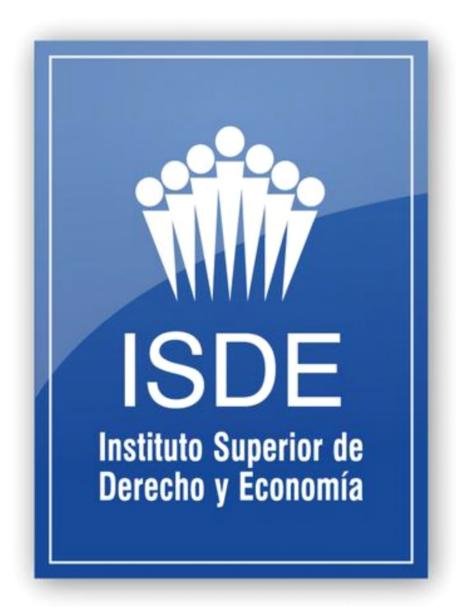


Italy



Spain





Portugal











Learning about Best Practices Among the Top 8 Latin American and European Economies

#### **Speakers**

#### UNCITRAL EXPERTS

ua cohen Benchetrit Ángel Maria Ballesteros Barros Benjamin Hérisset Carlos Sánchez-Mejorada y Velasco Dario U Oscos Coria David Morán Bovio Diana Lucia Talero

Dr. Luis Manuel C. Méjan Jose Angelo Estrella Faria Lucio Ghia Donato Messineo

Thomas Felsberg

Samira Musayeva

Monica Marcucci Paulo Valério Rodrigo Rodriguez, Rechtsanwalt

#### Portugal

**G8 COUNTRIES'EXPERTS** 

Orlando Palominos Aravena

to be announced soon

Chile

Andrés Pennycook Castro Maria de Fátima Reis Silva Nicolás Velasco Jenschke

Catarina Carvalho Cunha Filipa Cotta José Pedro Fazenda Martins

Italy

Luciano Panzani Silvia Zenati Alberto Maffei Alberti Giuseppe Leogrande

Colombia

Brazil

Nicolás Polania **David Sotomonte** Diana Rivera Andrade Spain Jesús Ferruz Gil

Teresa Elia David Morán Bovio Ángel Maria Ballesteros Barros

Daniel Carnio Costa Cassio Cavalli Gilberto Deon Corrêa Samantha Mendes Longo Marcelo Carpenter Antonio Rabelo

to be announced soon



